

REMARKS

Claims 1-20 are presently pending in the application. It is believed that the claims are allowable in their original form. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

Claims 1-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,276,034 to Bachman in view of Official Notice.

The Bachman patent was filed on December 4, 1998 and was patented on August 21, 2001. The present application was filed October 30, 2000 and claims the benefit of a provisional application filing date of October 29, 1999. Thus, the Bachman patent was patented after the filing date of the present application and does not qualify as prior art as set forth in 35 U.S.C. 102(a).

As indicated in the Office Action mailed October 2, 2002, the Bachman patent qualifies as prior art under 35 U.S.C. 102(e).

However, a reference which qualifies as prior art under 102(e) shall not preclude patentability under 35 U.S.C. 103 where the subject matter and the claimed invention were, at the time the invention was made, commonly owned. See 35 U.S.C. 103(c) and MPEP 706.02(l)(1).

A Statement of Common Ownership is on page 2 of these papers. This statement alone is sufficient evidence to disqualify the Bachman patent from being used in a rejection under 35 U.S.C. 103(a) against the present application. See MPEP 706(l)(2)-(3).

Applicant respectfully submits, that for this reason alone, the rejection of claims in view of Bachman should be withdrawn.

Moreover, even if Bachman did qualify as prior art, applicant respectfully submits claims 1-20, as originally presented, are patentable over Bachman in view of "Official Notice". In his rejection the Examiner takes "Official Notice" "that module or computer or processor is well-known in the art, and therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a module or computer or processor in the slatwall death care merchandise display unit of Bachman because such modification would automatically display death care merchandise in funeral product stores." The modules of applicant's claimed invention are not computers or processors which "would automatically display death care merchandise in funeral product stores" as the Examiner suggests but are interchangeable components.

The Examiner has not commented on any of applicant's arguments regarding claims 7, 8, 11, and 13-20 or provided any indication why these claims are obvious as required. See MPEP 707.07(f).

Applicant submits these claims are patentable on their own merit and is repeating these arguments herein below:

Claim 7 recites further features that are believed to even more fully distinguish over the applied art. Specifically, applicant respectfully submits the

wall display of Bachman lacks a cabinet. Applicant further submits there is no suggestion to modify the slat wall display of Bachman to include a cabinet.

Regarding claims 8, 11, 17 and 18, there is no suggestion or teaching in Bachman for plastic, polymeric, or transparent shelves.

Claim 13 recites further features that are believed to even more fully distinguish over the applied art. Specifically, applicant respectfully submits that Bachman does not disclose an emblem, casket corner or angular bracket.

Further, applicant respectfully submits Bachman does not disclose a protrusion as recited in claims 14 and 17.

Still further, applicant respectfully submits that Bachman does not disclose a shelf having an aperture as claimed in claims 15, 16 and 20.

Claim 19 recites yet a further feature that is believed to even more fully distinguish over the applied art. Specifically, there is no moveable bookend section taught or suggested in Bachman.

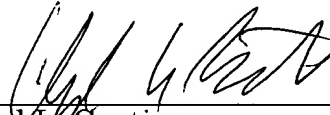
In view of the forgoing, it is submitted that claims 1-20 are allowable over the cited reference. As such, it is respectfully requested, that upon reconsideration, the rejection of claims 1-20 be withdrawn.

It is believed that the present application is in condition for allowance and notice to such effect is respectfully requested. If the Examiner believes that a telephone interview would be beneficial to advance prosecution of the application to

earlier issue, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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